

Practitioner's Docket No.: 782_206

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Tomohiko SHIBATA, Keiichiro ASAI, Yukinori
NAKAMURA and Mitsuhiro TANAKA

Ser. No.: 10/017,325

Group Art Unit: 2811

Filed: December 14, 2001

Examiner: Junghwa M. Im

Confirmation No.: 8198

For: SEMICONDUCTOR ELEMENT

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATION OF FACSIMILE
TRANSMISSION

I hereby certify that this paper is being facsimile
transmitted to 703-872-9306 in the Patent and
Trademark Office on December 9, 2004.

Janet M. Stevens
Janet M. Stevens

REQUEST FOR RECONSIDERATION AFTER FINAL REJECTION

Sir:

The following remarks are in response to the Office Action mailed September 9,
2004.

1. Claims 1-6, 8 and 10-15 are pending herein. Claims 1-6, 8 and 10-15 were
rejected under §103(a) over Ohba in view of Ogawa. This rejection is respectfully traversed.

As discussed in the June 16, 2004 Amendment, the entirety of which is incorporated
herein by reference, pending independent claim 1 recites, among other things, a
semiconductor element having an Al-including underlayer on a substrate, a buffer layer on the
underlayer and a Ga-including semiconductor layer group on the buffer layer. As will be
shown below, even if Ohba and Ogawa were combined as asserted in the Office Action, there
would still be no disclosure or suggestion that the resultant structure would include an Al-
including underlayer on a substrate, a buffer layer on the underlayer and a Ga-including
semiconductor layer group on the buffer layer, as claimed.